

Appl. No. 09/943,750
Amdt. Dated May 12, 2004
Reply to Office Action of December 12, 2003

REMARKS

The Office as noted claims 1-8, 12-14, 17, 19-21, 23-31, 33, 35, 36, 40-44, and 47-53 to be pending; claims 1-8, 12-14, 17, 19-21, 23-26, and 53 withdrawn; and claims 27-31, 33, 35, 36, 40-44, and 47-52 rejected.

Applicant directs attention to currently amended claims 27, 28, 33, canceled claim 31, and new claim 134, with respect to the remarks that follow. New claim 134 is dependent on amended claim 27, and is supported at least at page 5, line 26 in the application as filed. Claim 28 is amended to take into account the coating introduced into claim 27. No new matter is added.

Claims 27-31, 35, 36, 40-44, and 47-52 are rejected by the Office under 35USC103(a) as being unpatentable over McGee (US5,785,779) and further in view of RD'421059 and Harpell (US5,198,280). Applicant has carefully considered the rejection and respectfully submits that the amended claims, as supported by the arguments herein, are distinguishable from the cited references.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

The amended claim incorporates the limitation of canceled claim 31 in the form of a coating of polymeric material that penetrates the fabric but does not harden beyond about a 10,000 psi bulk modulus, as described in the specification. The benefit here is that the claimed device is expandable in diameter with the tire material as the tire is molded, as will be well understood and readily appreciated by those skilled in the art, and after an extension in circular length in the order of 5 percent, still retains its ability to seal punctures. Applicant finds no where in the cited references a teaching, suggestion or motivation to produce the claimed device, or to combine the references in any manner that obviates the claimed device. McGee's material as described cannot perform in this

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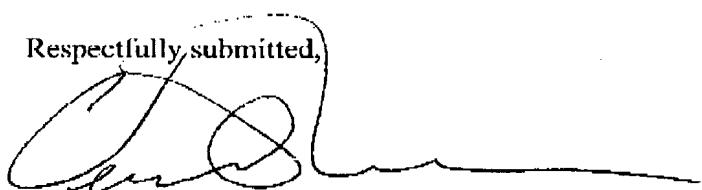
fashion. McGee's epoxy coating mentioned at col. 4, lines 40-45 is not taught as or suggestive of a coating of limited hardness as is here claimed. Harpell in particular is non-analogous art, decorated as it is with hard panels or "planar devices" that are simply incompatible with the application to which this invention is directed. It is simply not a likely candidate for combination with the other references for any related purpose.

Claim 33 is rejected by the Office under 35USC103(a) as being unpatentable over McGee, RD'421059, and Harpell as applied in claim 27 above and further in view of Verzocchi (WO94/12566).

Claim 33 as amended herein is dependent on amended claim 27, alleged here to be allowable, and claim 33 as a further limitation thereon is likewise allowable for at least that reason.

Applicant asserts these amendments and remarks to put the application in condition for allowance, and respectfully requests consideration thereof.

Respectfully submitted,



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